Legislative Council,

Wednesday, 7th August, 1912.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTION—TRADES HALL, GERALDTON.

Hon. W. PATRICK asked the Colonial Secretary: 1, What is the area of the piece of land granted for trades hall purposes, Geraldton? 2, Is it true that the land, of which the granted area is a portion, was considered to be too valuable as a site for the police quarters owing to its close proximity to the new railway station?

The COLONIAL SECRETARY replied: 1, 1 rood 8 perches; 2, No.

BILL—LANDLORD AND TENANT.

Introduced by Hon. M. L. Moss and read a first time.

BILLS (5)—THIRD READING.

1, Election of Senators Amendment, transmitted to the Legislative Assembly.

2, Inter-State Destitute Persons Relief, transmitted to the Legislative Assembly.

3, Excess (1910-11), *passed.*

4, North Fremantle Municipal Tramways Amendment, *passed.*

5, Nedlands Park Tramways Amendment, *passed.*

BILL—WHITE PHOSPHORUS MATCHES PROHIBITION.

To recommit.

The COLONIAL SECRETARY (Hon. J. M. Drew): I move—

That the Bill be recommitted for the purpose of considering Clause 1.

Hon. M. L. Moss: Will the Minister include Clause 5?

The COLONIAL SECRETARY: Yes. I move—

That the Bill be recommitted for the purpose of considering Clauses 1 and 5.

Hon. Sir E. H. WITTENOOM (North): Before the Bill is recommitted I would like to ask the Minister whether it is possible to make regulations in connection with this Bill. I know a Bill of this nature was passed or attempted to be passed in 1885 or 1886 when I happened to be in Parliament, and it seemed to be a dead letter.

Hon. Sir J. W. Hackett: It was passed and repealed at the end of the session.

Hon. Sir E. H. WITTENOOM: The reason was that all people who live in the regions where there is no agriculture or very little grass find it a great inconvenience to be confined to matches that must be struck on a box, that is safety matches, because the squatters and people who frequent the State north of the Murchison invariably use wax matches.

The PRESIDENT: Is the hon. member simply asking a question?

Hon. Sir E. H. WITTENOOM: Yes, but I am giving reasons for asking the question, because if there is power to make regulations in connection with this Bill, the Governor-in-Council should make regulations stating that the Bill shall only apply to certain parts of the State. I am asking the Colonial Secretary whether regulations can be made in the way I have described, and I ask for the patience of members for a moment to say that all the country north of the Murchison is not subject to being burnt in the same way as the country is to the south. I am quite in accordance with the Bill wherever there is agriculture, wherever there is a quantity of grass, or corn, or

danger to anything of that kind. The Bill will be beneficial there, but it will not be in the North where there is so much camping out, and where the conveniences for getting matches are very limited, and where a man will be considerably inconvenienced if he loses his match-box.

The COLONIAL SECRETARY (in reply): There is a regulation at present in force prohibiting the manufacture of matches made out of white or yellow phosphorus, but the Home authorities are not satisfied with that. We are being pressed by them to pass this legislation. There was a convention at Berne in 1906, at which most of the civilised nations were represented. Scientific investigation has proved that a most malignant disease known as necrosis or mortification of the bone, is caused from the manufacture of matches from white or yellow phosphorus, consequently in the interests of humanity the representatives at this convention—Great Britain was not represented, but the other nations were—decided to sign a convention agreeing to prohibit the manufacture or sale of this particular class of match.

Hon. M. L. Moss: That practically means all wax matches.

The COLONIAL SECRETARY: Yes, any matches except those which must be struck on a box. Subsequently the Imperial authorities passed legislation and this is a copy of it. There has been considerable delay in introducing the legislation in Western Australia, and letter after letter has been received from the Secretary of State through the Federal Government asking us when we proposed to take action. The previous Government passed regulations, but that has not improved the position for the Home authorities to be in the position of signifying their adherence to the Berne convention.

Hon. Sir E. H. Wittenoom: What would apply in Great Britain would be very inconvenient in portions of Australia.

Hon. W. Patrick: Have the other Australian States similar legislation?

The COLONIAL SECRETARY: At the Premiers' Conference all the Australian States agreed to pass this legislation, and it is the intention of the Commonwealth to prohibit the importation of these matches, but before they prohibit the importation, they wish all the States to take action in the direction of preventing their manufacture or sale.

Question passed, the Bill recommitted.

Recommittal.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—Short title:

The COLONIAL SECRETARY: The clause as printed provided for the coming into operation of the Act on the 1st January, 1913. That was but a short time ahead, and there might be large stocks of these matches carried in Western Australia. It seemed, therefore, unfair to bring the Bill into operation at so early a date. He moved an amendment—

That in line 2, the words "on the first day of January, 1913," be struck out and "at a date to be fixed by proclamation" inserted in lieu.

Amendment passed.

Hon. M. L. MOSS: While agreeing with what had fallen from the Colonial Secretary he was of opinion that the Minister had not gone far enough. We should see that the measure was not brought into operation earlier than the 1st June. He moved as a further amendment—

That the words "not earlier than the 1st June, 1913" be added.

Amendment passed.

Clause as amended agreed to.

Clause 5—Prohibition of sale:

The COLONIAL SECRETARY: When on a previous occasion the clause was under discussion, Mr. Cullen had drawn attention to the fact that no punishment was provided as against the person who sold these prohibited matches. The Bill was an exact copy of the English Act and its policy was not primarily to stop the sale of these matches, but to stop their manufacture. The sale was only a secondary consideration. No legal results would follow the sale, but certainly legal results would follow the manufacture of

these matches. Just the same, it was intended to discourage the sale as well.

Clause put and passed.

Bill again reported with further amendments.

BILL—METHODIST CHURCH PROPERTY TRUST.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The object of the Bill is to confer on the Methodist Church in this State similar powers to those enjoyed by other religious bodies in connection with the disposition of their property. Up to now the Methodist Church in Western Australia has been working under the West Australian Wesleyan Church Act of 1895, and this Bill proposes to repeal it. The 1895 Act was passed when the Methodist Church of Western Australia was controlled in Adelaide, and that measure contemplated a continuance of such state of affairs. However, in 1900 the church in this State was granted an independent conference, which meant, of course, its separation from South Australia. Our Act should have been amended at that time in order to meet the changed circumstances, but somehow it was overlooked. In 1902 a union was formed of the Wesleyan Methodist Church, the Primitive Methodist Church, and the Bible Christian Church, and the amalgamated bodies were designated the Methodist Church of Australia. That union is recognised and validated in the Bill. The measure also consolidates all the laws relating to the Methodist Church, and in addition confirms the right granted by the Australian Conference to New Zealand to have her own conference and manage her own affairs. New Zealand, so far as Methodist Church matters are concerned, has been separated from the rest of the Commonwealth. The Bill also simplifies the management of trust property in this State, so far as the Methodist community is concerned. These trusts were created prior to the passing of the 1895 Act, and have proved extremely cumbersome. Prior to 1895 the church properties were in the hands of trustees, and the deaths or removals to other States of these trustees have caused no end of trouble. The Bill proposes the appointment of a registrar who will act for the whole of the church, keep a register of the trusts and the state of the trusts generally, and his certificate will be accepted by the Registrar of Titles as to the identity of the trustees and also in regard to the nature of the trusts. I may say that a Bill containing provisions of a similar nature has been adopted in every other State of the Commonwealth. I beg to move—

That the Bill be now read a second time.

Hon. J. F. CULLEN (South-East): It is usual when considering questions having any connection with church matters for the Legislature to inquire only into their bearing on the public interest, and beyond that to leave the questions for the church authorities. There is another reason why one would be hampered in discussing a Bill of this sort, namely, the Minister has intimated that the Bill is on all fours with similar measures passed or to be passed in the other States. Still, recognising the weight of both these considerations, a House of the Legislature has to consider that it is putting its imprimatur, to a certain extent, on legislation. I think it is right to point out to the authorities of the church in question and their legal adviser, whoever he may be, that the Bill assumes that the Legislature has a relation to the Methodist Church which it has not, and furthermore that the Bill, instead of clearing away technicalities and roundabout methods of procedure, actually perpetuates a great deal that was cumbersome in the old Act. I certainly think the legal adviser of the Methodist Church in Western Australia ought to go very carefully into the provisions of the measure before the Bill reaches its completing stages in this Chamber. In all probability it will be an Act that will very seldom, if ever, come before the courts of the country; but if it should come before those courts there will be made the usual reflections upon the Legislature which passed a measure so difficult to work; a measure which will in-

volve so much delay and cumbersomeness and costs to the various churches coming under the provisions of the Bill. In the first place we are asked to confirm the union of three religious bodies, the Wesleyan Methodist, the Bible Christian, and the Primitive Methodist churches. The Legislature has nothing whatever to do with confirming such a union. The Legislature may be asked to consent to a modification of the legal position. It may be asked to ratify any legal matters on which the three bodies combine but their combination as ecclesiastical bodies has nothing to do with the State authority and the State authority has nothing whatever to do with them. The legal adviser of the church should be very careful in drafting this Bill to make it clear that these ecclesiastical bodies are not asking this State in any way to interfere with the ecclesiastical side of their case, and to make it clear that the State is only asked to recognise their arrangements as far as regards their properties. It is a matter that the legal adviser could easily put right. There are some religious bodies which would not for the world recognise any control by Parliament, and the Methodist body, I think, is one of them. But their legal adviser, or whoever drafted the Bill, makes them to a certain extent depend on the State for their ecclesiastical position. That is a matter of principle, which their legal adviser should look after. Coming to smaller matters, the interpretation clause, leaves out one of the most essential things in the administrative arrangements of the United Churches, that is their annual conference. Later on in the clauses the annual conference is referred to. This is a vital part of the machinery of the united bodies. Then in the recital under church lands there is no mention of the lands of two of the bodies, but only of the lands of the Wesleyan Methodist church; no mention is made of the lands of the Bible Christian or Primitive Methodist church, and so on through the Bill the same want of care is apparent, leading to possible difficulties afterwards should any difference of opinion arise. Then I cannot understand why their legal adviser did not advise them to incorporate their united church. Anyone accustomed to such matters will see at a glance what enormous savings it would mean. Under this Bill it is assumed they are going to save trouble with regard to trusts. The church trust questions are almost infinite; that is, there are so many trusts for every little property, and these trusts are vested in a number of men, five, sometimes ten, or sometimes a dozen. Some of these men die, and some leave the State. Under the old Act in operation—the Wesleyan Methodist Church—there was an immense amount of trouble in the case of death or removal from the State. This Bill proposes to do away with that, but it does not effectually do it, and it cannot do it.

The Colonial Secretary: This is what they want.

Hon. J. F. CULLEN: There would still be the need for the election, according to rule and regulation, of every new trustee. This Bill only provides that when the name of a new trustee is sent to the Custodian of Deeds he will have it entered. That is simple, but the old difficulty will remain; death and removal will necessitate elections under regulation and law, whereas by the simple act of incorporation the conference becomes a corporation and acts with a stroke of the pen in all these complex legal matters. It may be said this is a matter which can be fixed up later on; of course it can. The United Church can become incorporated later on, but I am pointing out that this might have been done at once.

Hon. M. L. Moss: Is there not sufficient incorporation under clauses 3 and 4?

Hon. J. F. CULLEN: It still leaves each little piece of property all over the State in the hands of a large body of trustees, any of whom may die, or leave the State, and then there will be the roundabout system of electing a successor.

Hon. M. L. Moss: Clause 13 meets your objection.

Hon. J. F. CULLEN: That is only a registration of what is done under the law.

Hon. M. L. Moss: That is the same as is done by the Registrar of Friendly Societies; it works very well.

Hon. J. F. CULLEN: That is a very much smaller matter than this. Anyone who has had to do with church trusts, and I have had a good deal, knows how simply the difficulty can be got over by incorporating the conference. As I said, that can be done later on. I only point out in connection with my general criticism that the Bill requires careful consideration to save troubles which the church think the draftsman is guarding against, but which he is not effectively guarding against. If this Bill is a counter part of legislation in other States, perhaps there is no reason why Western Australia should try to do better, and it might cause confusion if the measure were made an up-to-date Act. I only throw out these suggestions that the legal adviser of the Methodist Church may see his way to make the Bill as perfect as he can, before it is completed in this House.

Hon. D. G. GAWLER (Metropolitan-Suburban): I am inclined to agree with the remarks of Mr. Cullen as to the improved position if the conference had seen fit to incorporate themselves. It would certainly have assisted in dealing with property, and in the carrying on of their business generally. They could have acted under a common seal instead of having trustees constantly changing, and all deeds in connection with their lands would have been operated upon by the common seal of the association. There is another thing which I think would have been an advantage from the point of view of this House. We have here twenty pages of legislation which is to go on our statute-book relating to what may be described as a purely private matter, and we have nearly six pages of preamble reciting certain facts, which facts, if this House did its duty, ought to be submitted to a select committee. It is to be taken for granted that all these recitals set out in this Bill have occurred, and are correct. It seems to me that if we pass the Bill as it is, and I am not objecting to its passing because it has gone through in the other States, and is desired by the churches; but, if we pass the Bill, we father every single item in the preamble, and we have not inquired into a single line or as to the truth or otherwise of what is contained therein. I propose to ask the leader of the House to allow the committee stage to stand over because many clauses of this Bill seriously affect the department of the Registrar of Deeds and Titles, who has to register the model trust deed, and the lists of trustees and the transfers of other deeds have to be put through him. His department is seriously affected, and I therefore gave him my copy of the Bill in order that he might give me his views upon it. I think it is a sufficiently important matter for the committee stage to be adjourned, in order that we may ensure that that officer is treated fairly. I understand that he has not seen the Bill yet, and an important department like his ought to be considered.

Hon. M. L. MOSS (West): This Bill, I think, is quite unobjectionable. It simply seeks to put the control of the Methodist lands, and those of the other churches——

Hon. J. F. Cullen: No objection has been raised to the intention of the Bill; the point is it does not carry out the intention in the best way.

Hon. M. L. MOSS: It is being carried out in the method which these particular bodies have adopted in the past. There is nothing new in this model deed. Under clause 6 there is a reference to the Wesleyan model deed of South Australia, 1887, and the method adopted by the Wesleyan body in this State has been on the terms set forth in the South Australian model deed. That South Australian model deed is contained, I think, in the schedule, or forms part of the Act passed by this State in 1892 or 1895. What the Methodist body require is a Western Australian model deed.

Hon. J. F. Cullen: It is the same model deed.

Hon. M. L. MOSS: But it is a clumsy arrangement with respect to the Western Australian Methodist lands that they should operate on the trust deed originally prepared and created for South Australia. A new model deed in precisely the same terms will be called the Western

Australian model deed, and will be prepared and printed, and lodged at the Land Titles Office. I do not understand that it is intended to divest any person or body of property or to vest it in any other person or body. If that were attempted, the greatest care and caution would be necessary before we conferred a Parliamentary title to lands on persons who were previously not entitled to them. Clause 7 vests the Wesleyan-Methodist church lands in the trustees for this united church. We are not divesting the property in such a manner as to take it away from trusts already holding it; if the Bill attempted to do anything of that kind, the greatest caution and care would be necessary. It is true, as Mr. Gawler has stated, that this is an unusually lengthy preamble, and I hope the Government have satisfied themselves before fathering a measure of this kind, that the statements contained in the preamble are accurate, because, to a certain extent, Parliament is giving full force to the truth of the statements contained in the preamble. The lands of the Methodist church in Western Australia are very considerable, both in area and value; in the city of Perth there is very valuable property, and to a certain extent I think the lands of that particular religious body are of a semi-public character; that is to say an important denomination of the community like the Methodists hold large areas of valuable land, and it is necessary when an attempt is made by legislation to put these lands on a footing so that they can be dealt with in a more simple and easy manner than in the past, that Parliament should be careful they are not conferring power on bodies they are not entitled to. If some member moves that the Bill be referred to a select committee to make a thorough investigation as to the accuracy of all the statements and as to whether we are conferring on bodies greater privileges and power than they are entitled to receive, I shall not object. I think it is fair to presume, however, that the Government are perfectly satisfied that the whole of the recitals contain accurate statements of fact. It will be interesting if the Minister will tell us whether this Bill was substituted to the Crown Law officers, and whether they are satisfied that it does no more than simplify the powers and authorities the Wesleyan bodies are exercising at the present time. We know of the difficulties which have arisen from time to time by removal, or by death, or the temporary absence of trustees, but this will afford any easy method of enabling the trustees to be replaced. The Friendly Societies Act contains a similar provision. There is a register kept by the Registrar of Friendly Societies, and as soon as there is a vacancy, by means of a simple certificate, new trustees are enabled to perform the duties of their predecessors in office. The measure comes here with the hall mark of the Government upon it, and to me it would be some satisfaction to know that it had been to the Crown Law officers and that they were satisfied that nothing further was being given away.

Hon. W. Patrick: Or that nothing was being taken from them.

Hon. M. L. MOSS: If anything is taken from them we can give it back, but if we confer a title on persons who have no right to it, it might not be easy to undo what has been done. I am quite prepared to support the Bill, which, I think, is a great improvement on the clumsy method existing at the present time of dealing with these church lands. If some hon. members will advocate the appointment of a select committee—I myself do not consider a select committee is necessary—I shall not oppose it. If the Minister will assure the House that the whole of the statements in the preamble have been verified by some responsible person, I think hon. members will be satisfied.

Hon. E. M. CLARKE (South-West): In conversation with the president of the Wesleyan Conference, I asked him several questions as to what was the object of this Bill, and he informed me that it was simply to ratify a certain arrangement that had been made by the three churches which had been working to-

gether for the last five years. They all appeared to be perfectly satisfied.

Hon. M. L. Moss: Twelve years according to Clause 3.

Hon. E. M. CLARKE: The president told me five years and that they were quite satisfied, and now they simply wanted Parliament to ratify the agreement that existed between them. I quite realise that there is always that difficulty with regard to the trustees, but I hold that this is nothing more nor less than a Bill between certain sections of the community one with the other. When the president of the Wesleyan Conference tells me that, and I take it, to say the least of it, that the Wesleyan of all these bodies owns the greater proportion of the lands in Western Australia, and if the president of that Conference is perfectly satisfied, I myself feel that the Bill should go through. I fail to see how it can affect the public in general. It is just between those three sections, and they have been working under their own agreement for the last five years and are quite satisfied. I do not mind saying either that the president asked me to assist in trying to get the Bill through as soon as possible.

The COLONIAL SECRETARY (in reply): This Bill is the production of the joint brains of the leaders of the Methodist movement in Australia. It has been discussed at various conferences, and they have come to the conclusion that this is what they want. The Bill was drafted in the Eastern States, and it has passed every State in the Commonwealth except Western Australia. Every registered body in this State has to approach Parliament in order to get powers to deal with their lands, and the Wesleyan community are asking no more than that. Only two years ago, in connection with the Roman Catholic Church, a Bill of a somewhat similar nature was introduced and passed. With regard to the Bill not having been submitted to the Registrar of Titles, I might inform members that it has been submitted to the Commissioner of Titles.

Hon. M. L. Moss: That is good enough.

The COLONIAL SECRETARY: And moreover, it has gone through the Crown Law Department, and it went from that department to another place. I rang up that department to-day, in order to make doubly sure, knowing the feeling in certain quarters of this House that the matter required very careful consideration, and asked them to go further into the subject. In view of this, I do not intend to proceed with the Committee stage until next Tuesday.

Question put and passed.

Bill read a second time.

BILL—GAME.

Second Reading.

Hon. W. KINGSMILL (Metropolitan) in moving the second reading said: This Bill will be recognised by a majority of members of this House as an old friend. Last session a Bill very similar to this was introduced by myself, but I recognised that to pass it through Parliament in that session was pretty nearly impossible. My object was to get the Bill thoroughly threshed out in this House, and for that reason I moved it should be referred to a Select Committee, which was done. The Select Committee sat and considered the Bill, and furnished a report, which is available for hon. members. The report suggested certain amendments which have been embodied in the Bill. The necessity for the Bill is, I think, fairly well proved by the fact that our legislation on this subject has become already somewhat diffuse. Hon. members will find in the first schedule that there are dealt with no fewer than four statutes, and it is for the convenience of the public that these four statutes should be put into on , and in the process of consolidation it has occurred to me that various amendments might be made in the legislation on this subject. I have consulted a good many authorities in connection with the amendments which are proposed to be made in the Bill. During the trip I had last year to the Eastern States, I made it my duty to investigate the legislation of the various

States on this matter, and not only the legislation, but what is more important, the administration of the various Acts in those States, and it is by comparison of this legislation with out own and by a comparison also of the legislation of New Zealand, which pays a great deal more attention to this particular branch of economics than any of the Australian States, that the present Bill has been evolved. Indeed, some of the leading minds of the Empire taking a keen interest in this subject have thought it high time that Imperial legislation, and if not Imperial Legislation, at least Co-ordinate Legislation should take place on this subject. I was very much struck the other day by reading a passage on the matter written by a gentleman of whom most hon. members have heard, Sir Harry Johnston, who is known throughout the Empire as an anthropologist and naturlist and above that, as an able administrator of some of Britain's colonies. Sir Harry Johnston, in a book published this year called *Views and Reviews*, on page 311 says—

> From the Imperial as well as the local point of view, the whole question of fauna and flora preservation in every country under the British Crown requires the immediate attention of the Imperial authorities; and some permanent Board should be established in connection with the Colonial Office or the Imperial Institute, which could take this question in hand. A series of commissions might even be despatched at no very great expense to all parts of the Empire to study, in conjunction with the local authorities, the native fauna and flora; and the Home Government should, in collaboration with the local authorities, if they are sufficiently well educated, draw up regulations which, so far as possible, might be put into force throughout the Empire. Naturally, in regard to the self-governing daughter-nations, we could only tender expert advice and get them at any rate to consider the British point of view, which we may assume to be the point of view of educated Europe or America. The squatter in Australia may see no reason why he should not exterminate all the beasts and birds that are within range of his rifle or gun.

Perhaps Sir Harry Johnston is not as well posted with regard to State general education and special education on this subject in the daughter nations, as he calls them, but when we find a man of such wide and varied experience, a man of deep thought such as Sir Harry Johnston, expressing himself in this way, it must be an incentive to us to say that we should put our own room in the Imperial House in order, and it will be to such an effect that when this commission, if it is ever established, comes along, it shall find that Western Australia has not neglected her duties in this connection. Let me at once say that this Bill goes somewhat further than the preservation of game. I have endeavoured to make it not only a game preservation measure, but also to fulfil the functions which exist in the other States, a Birds' Preservation Act, to endeavour to protect all useful wild fauna in Western Australia. I think that legislation of this sort can be recommended from two points of view, first, the scientific, and second, the economic. I suppose that the scientific point of view appeals only to a very limited public, but we must remember that in Australia we have the remains of the oldest fauna of the world. We have the remains of fauna that has become, one might say, racially debilitated by its extreme age, and that not alone the ravages, but the presence of man has been sufficient to destroy. It is a peculiar thing, too, that the subject of the origin and distribution of species receives nowhere more striking examples than in Western Australia. On nearly every island, or, at all events, nearly every group of islands, around this coast there exist to-day species of animals which are found absolutely in no other part of the world, and species which are rapidly disappearing. And, whilst it may be jeered at as being of no economic value that these last representatives of a fast disappearing race should be preserved, it will appeal to those who take a scientific interest in the subject that this aspect

of the question should not be lost sight of. With regard to the economic aspect only, I would refer hon. members to what has been done in New Zealand, and more particularly in the United States of America and Canada. In these countries it has been recognised that, while perhaps they had more of a fauna to work upon than we have, still even taking that into consideration, the economic value of their fauna is very great indeed. One of the greatest attractions in connection with the New Zealand tourist traffic, from which the Dominion must obtain hundreds of thousands of pounds each year, is the presence in New Zealand of animals, birds, and fish, which provide sport for the tourists who seek their pleasure there. When I said that we had here a somewhat less fauna to work upon than in the case of the two countries I have mentioned, I was not altogether correct, because so far as investigations go we are led to believe that less than two hundred years ago, there was practically no fauna at all in New Zealand and very few fish, and whatever fauna is found there to-day has been placed there by the aid of man. That is an object lesson which hon. members should think of when considering a measure such as is now before the House. The sources whence this Bill is obtained will be found in most cases added to the marginal notes. A good deal of it is recapitulation of what exists in our present Statute. Again, part of it is taken, with a view to making a harmonious whole, from the legislation in Queensland, which, in my opinion, afforded the best pattern for legislation of this sort in Australia, and a good deal of the Bill is taken from legislation on this subject in New Zealand. To deal shortly with the Bill, clause by clause, I may explain that it is proposed that this measure shall come into operation in not less than three months and not more than six months from the passing of the Act; in other words, if the Bill is passed, it will be proclaimed as coming into force, I suppose, sometime during the first half of the next year. Hon. members who are pleased to take an interest in this Bill will kindly remember that in the interpretations given in Clause 4, "native game" means not only the living bird or animal and the offspring, young, or eggs thereof, but includes "the skin or any portion of the skin or body of such bird or other animal." It is proposed in Clause 8 to provide what are known in Queensland as sanctuaries. These are places set aside wherein game, it may be of one species or of all species, is rigidly protected. It has been found that this had a good influence on the presence of game in States where it has been tried, as affording a safe breeding place, where birds and beasts cannot be harassed, at any rate by the greatest of their enemies, man. Clause 10 is a new departure, in that it provides that any person who sells game must take out a license for that purpose. It is not proposed to make the license a heavy one, but the license is provided in order that some check may be kept on those people who are constantly infringing—and I am sorry to say that it is done very much indeed in the vicinity of Perth—on the close seasons for the game birds sold in this State. In Clause 15 one of the greatest departures from the present system will be noticed, in that it is proposed to adopt again the Queensland system of appointing in various localities persons to be known as guardians, for the purpose of seeing that this Act is carried out. At the present time the administration of the Act—I do not wish to speak disrespectfully of the present administration because whoever administers it now, I would be a fellow sinner in the past—is extremely lax. It is an Act which seems to be wanted by practically nobody, and the final administration of it is left in the hands of that already overburdened body, the police, who have a great many more duties to carry out than they can properly deal with. At all events, I have heard—I hope it is incorrect—that in some country districts if the report of a gun is heard in the close season in the vicinity of a water hole it is generally thought that the policeman is the man who is shooting. Whether that be so or not, there is a lack of initiative, to put it mildly, which we cannot altogether blame that fine body of men for, in carrying out the duties in connection with the Game Act These guardians it is hoped—and as

a matter of fact in Queensland it has been proved to be the case—will supply that lack by seeing that those persons in whose hands the administration of this measure is placed duly carry out the provisions of the Act.

Hon. F. Davis: How do you propose to secure them?

Hon. W. KINGSMILL: The hon. member will admit that it is easy enough to secure justices of the peace, and I do not think there will be much greater difficulty in getting persons to take these guardianships than there would be to get them to become justices of the peace.

Hon. J. F. Cullen: What would you call them? Justices of birds?

Hon. W. KINGSMILL: It is not my present intention to do so, unless the hon. member seriously puts that suggestion forward.

Hon. J. F. Cullen: They could be called J.Bs.

Hon. W. KINGSMILL: I think that would be an infringement of copyright as being a colourable imitation of J.P. But whatever we call them, I do not think anybody can find fault with a system that has worked very well indeed in the sister State. In this connection I may be pardoned for saying that when I first drafted this Bill the present Government were not in office, and I had practically arrived at an arrangement with the then Colonial Secretary that the administration of the measure should be assumed by a body which exists to-day in Western Australia called the Acclimatisation Committee. That body is composed of gentlemen, many of whom take an active interest in this subject, and who have through their presence on that Committee acquired a good deal of knowledge of the circumstances of the State in this connection. It was proposed that with greater activity more revenue would result from this source, and in this connection the report of the select committee states that it would be well if those who control the Gun Licensing Act were to awaken to the fact that it is a most unusual thing for anybody who uses fire-arms for sporting purposes to ever dream of taking out a license. Some time ago after great trouble I obtained permission to shoot on a lake situated within five miles of a municipality, and when I went to the town clerk's office and demanded of him a gun license, he was so thunderstruck that he quite forgot the procedure in regard to the issuing of it. He said it was the first gun license that he had been called upon to issue, and seemed to doubt as to whether I was not a fit subject for medical examination for seeking to take out a license of that sort. I venture to say that a good deal of revenue, which might legitimately be applied to the protection of game, could be obtained from this source, and I make the suggestion to the Colonial Secretary, who I believe is in charge of this particular branch of taxation. While it has been proposed, and I commend the suggestion to the Colonial Secretary, that the bulk of the administration of this Act should be offered to the Acclimatisation Committee, which body would be willing to take that work and would also be fully capable of carrying it out——

Hon. Sir J. W. Hackett: With a sufficient subsidy.

Hon. J. D. Connolly: That is provided in Clause 24.

Hon. W. KINGSMILL: With a sufficient subsidy, of course, but the expense in this connection would not be very great. I think a reasonable proposition for the carrying out of this measure would be to appoint a travelling inspector, part of whose duties would be in connection with the acclimatisation work at present carried out by the committee, who, I may inform the House, receive the magnificent grant of £200 per annum——

Hon. C. A. Piesse: I thought it was £2,000.

Hon. W. KINGSMILL: It is £200, and it should be very much greater. I was saying that a travelling inspector should be appointed, part of whose duties it would be to carry out work under the Acclimatisation Committee, and the rest of whose duty it would be to see that the provisions of the Game Act were given effect to in the districts through which he travelled. I make that suggestion, and I trust that the Colonial Secretary will take a note of it, and, if pos-

sible, act upon it. It is proposed in another portion of the Bill that in order to meet this suggestion half of the fines, fees, and penalties under the Act should be appropriated for the use of the Acclimatisation Committee. I have already seen the Premier on this subject, and he has intimated that he is not unwilling to allow that course to be pursued when the Bill reaches another place. The use of heavy guns is forbidden, and a definition of a heavy gun is laid down. There is authority given to destroy certain classes of game where they are doing injury to growing crops or private property. This has been taken from the New Zealand Act, and it was found necessary to embody it in that Act on account of the ravages made in some places by imported animals. By imported animals I do not mean rabbits, but I refer more particularly to deer. I daresay it will be many years in this country before we have any cause to complain of such ravages, although in the interests of acclimatisation I hope it may be not as long as members may think. Clause 22 is rather important, because it provides for the regulation of the export of living game. I have already said that this is a measure for the preserving not only of game but also of bird life. Hon. members, those representing the northern parts of the State at all events, will know that from Kimberley for years past there have been exported annually as many as 10,000 pairs of a very beautiful specie of bird found up there, called the Kimberley finches. These birds are sent to England. It would not be so bad if a reasonable proportion of them reached England, but the mortality I suppose reaches about 80 or 90 per cent. It seems a great pity this should be allowed to go on. This clause is from the New Zealand Act and has been put in in order to deal, in some measure at all events, with that evil as we see it. With regard to the regulations that may be made under the Bill, Clause 25 is a new one. It has only been tried in one part of Australia but it has met with good effect —that is the regulation prescribing the maximum number of any species of imported or native game which may be taken or killed by any single person in any one day. It has been found in Victoria, more especially during the season devoted to shooting wild ducks, that a wanton destruction of these birds takes place, and, with a view to checking this, the regulation has been introduced there. It is working well and it is proposed that the same procedure shall be adopted here. Dealing with the schedules, the most important is the second one that deals with what is described as native game, and I would like to impress on members the fact that this schedule has been brought, as far as possible, absolutely up to date.

Hon. C. A. Piesse: What about the emu?

Hon. W. KINGSMILL: It is looked upon as being, in the farming districts, a destructive bird. I would like to say this Bill may be classed in two divisions: Schedules 2 and 3 which are alterable outside Parliament and the body of the Bill which is alterable by Parliament itself. There is a good deal of elasticity present in the Bill as members will see by Clause 6 which gives power to the Governor to proclaim a close season for native game, reserves, and what game are to be strictly preserved. Now, it is quite possible under this Act, if it becomes an Act, which I hope it will, that emus will be protected in one part and left out of consideration in another. The remark applies to all animals in the second schedule and also in the third schedule. If Mr. Piesse thinks that emus should be protected in the southern portion of the State, he has only to lay his views forcibly before the Minister who has the administration of the Bill and no doubt his views will be given effect to. The same has been done in relation to pelicans and the bird known as the silver eye. The crow is left out more than any other bird because of the immense damage it does to the fauna and the small birds. The select committee availed themselves of the services of the Director of the Zoological Gardens and other gentlemen who take an interest in this particular subject, and the information we obtained from them was very comprehensive, and

they were of great assistance to us in preparing the schedules.

Hon. Sir J. W. Hackett: It does not touch fish.

Hon. W. KINGSMILL: Fish are dealt with under the Fisheries Act.

Hon. Sir J. W. Hackett: What about the dugong, that is not a fish?

Hon. W. KINGSMILL: It is a warm-blooded mammal.

Hon. Sir J. W. Hackett: There are several other mammals of the same kind.

Hon. W. KINGSMILL: I do not think on this coast; the dugong is the only mammal of that class in Western Australia. There is only one species of the dugong, but there is the seal; it is of the same class and it is left out of the Bill.

Hon. Sir J. W. Hackett: The turtle.

Hon. W. KINGSMILL: I understand the turtle, scientificially, is an insect. The turtle is already included under the Fisheries Act by special mention. The dugong, however, it is thought well to preserve and if possible allow to increase. The dugong is an interesting animal doing no harm to anybody and being made very little use of. I would like members, if they would be kind enough, and propose to address themselves to the second reading, to endeavour to formulate any questions which they may wish to ask me because I shall not have the opportunity, which I should like to have, when the Bill is in Committee. I would like again to bring to members' notice the fact that this Bill is commended to them for two reasons, firstly scientific and secondly economic. Furthermore, there is a third reason which is the greatest reason of the lot, I take it. Mankind, from his very position in nature, has a duty to perform to the lower animals, a duty of mercy and kindness, and I take it as a special omen that this Bill dealing with wild species should be introduced simultaneously with a Bill dealing with the prevention of cruelty to animals. I hope the two Bills will pass, so, that practically the whole animal kingdom that deserves protection will receive it. I was very much struck a few days ago in reading a book which I found in the Library —I have quoted already a very modern instance of the wishes of humanity in this respect, the opinions of people able to judge, especially Sir Harry Johnston— I was reading a little poem written by a man who wrote it 50 years I suppose before William the Conqueror landed on the shores of the mother country, in which the sentiment was this, that those who expect mercy should extend it. That is very eloquently laid down by that Syrian poet in these lines—

> God pities him who pities: ah, pursue
> No longer then the children of the wood,
> For hast thou not, poor huntsman, understood
> Somebody may be overtaking you.

I think that little verse conveys a useful lesson on the subject with which I am now dealing. I beg to commend the second reading of the Bill for the consideration of members and I ask them to treat it as kindly as they find it in their hearts to do.

Hon. Sir E. H. WITTENOOM (North) I have much pleasure in supporting the second reading of this Bill and I think the thanks of the whole community are due to Mr. Kingsmill for having interested himself so thoroughly in the matter. The only mistake I see in connection with the Bill is that it comes at a late period in the history of Western Australia, in so far that many of the animals that should have been protected have been destroyed and are now out of existence, but, as Mr. Piesse says, "it is better late than never" and what we have now possibly we may preserve for all time. It has often been said in connection with the bird life and flowers of Australia that, beautiful as they are in plumage and sight, the birds are without music and the flowers without scent. I do not think that a greater libel was ever uttered. I could take anyone to a portion of Western Australia, within 24 hours, to a place from where I have just returned where a person would find numbers of birds with the greatest variety of music amongst them. Under these circumstances, the present moment is a very opportune one for the Bill to be introduced. Unfortunately, besides the two-footed animals to be dealt with by the Bill, I find four-footed ones coming out

very quickly and developing more rapidly, I refer to the cats. They were introduced to a large extent to cope with the rabbits and to some extent they do so, but hitherto the rabbits have not been sufficiently plentiful, and consequently the cats have had to fall back to a large extent on birds. I am afraid that unless the rabbits improve and extend in numbers, which, God forbid they should, either the cats will have to be destroyed or the number of birds will. I hope every effort will be made to preserve the birds and both the animals and the flora and fauna. I am pleased to see that there are two species included in the schedule, the emus and the dingoes. The emus are exceedingly destructive on large sheep stations on the fences and they do damage to wells and tanks and arrangements set out for animals of greater value than themselves. I think they will, to a very large extent, look after themselves, but no one has any conception of the damage they do until they are seen on a sheep station to the number of 100 or 150 coming down at a time. In a season like the past when they died of starvation, indeed it would have been far more charitable for them to be peacefully killed and to make the best use of their skins. I believe it is open for people to hunt them and get the skins; that will possibly minimise them. As to the dingo, it does not require any defence on my part because it is a pest, but it would be unwise to destroy dingoes altogether, therefore; in company with emus, I should keep a number of specimens in the magnificent Zoological gardens which we have and which my friend Sir Winthrop Hackett has done so much to popularise. If they were kept there out of harm or in some enclosure, then I agree with Mr. Piesse that they should not be allowed to die out altogether. I do not know that I need say anything more in connection with the Bill, but it commends itself to the good sense of members, and I have the greatest pleasure in supporting the second reading.

On motion by Hon. E. M. Clarke, debate adjourned.

PAPERS PRESENTED.

By the Colonial Secretary: 1, Copy of jetty regulation No. 25; 2, By-law of the Victoria Park local board of health.

House adjourned at 6.0 p.m.

Legislative Assembly,

Wednesday, 7th August, 1912.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

PAPER PRESENTED.

By the Mininster for Lands: Report of Advisory Board on the proposed connecting railways between the Great Southern and South-Western Railways (ordered on motion by Mr. E. B. Johnston).

BILL—SHEARERS, SHED HANDS, AND AGRICULTURAL LABOURERS' ACCOMMODATION.

Introduced by Mr. McDonald and read a first time.